



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/802,674	03/09/2001	Macmet al.	DEX-0142

EXAMINER	
Am Harris, Ph.D.	
ART UNIT	PAPER NUMBER
1642	16

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

- (1) Alana M. Harris (3) _____
(2) Kathleen A. Tyrrell (4) _____

Date of Interview 10/8 & 9/2003

Type: ☒ Telephonic ☐ Televideo Conference ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☐ No If yes, brief description: _____

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 1

Identification of prior art discussed: US 2003/0109690A (6/12/2003)

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner spoke w/App. representative, Ms. Tyrrell about possibly amending the language of claim 1 & a forthcoming art rejection. Ms. Tyrrell stated that the claim would not be further amended at this time & ~~the fact~~ that prosecution should proceed.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Except as otherwise provided, a complete written statement as to the substance of any facts taken in telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the Examiner was reached at the interview.

§1.133 interviews

(b) In every instance where a consular officer is requested in view of an interview with an examiner a completely written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. A consular officer may remove the file from the embassy for review by the State Department and 1.19 (35 U.S.C. 199).

§ 1.2. Business to be transacted in writing. All business with the Patent Office or their attorneys or agents in the Patent Office shall be transacted in writing and the written record of it in the Office. No attention will be given to oral communications in doubt.

The location of the Patent and Trademark Office, which is based in Alexandria, Virginia, is shown in Figure 10. The Office is located in the 10th floor of the Federal Office Building, which is a 15-story building located in the heart of the city. The Office is located in the same building as the United States District Court for the Eastern District of Virginia, which is a 15-story building located in the heart of the city. The Office is located in the same building as the United States District Court for the Eastern District of Virginia, which is a 15-story building located in the heart of the city.

It is the responsibility of the applicant or the attorney or agent to make the substance of an affidavit of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to identify such omissions and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two sheet closed-interval Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters directed strictly to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, printing out typographical errors or uncorrectable errors in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the agreement are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. In a personal interview, the duplicate copy of the Form is handed over and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's attorney or agent, or to the applicant, if the inventor or agent is not in the next official communication.

The Form provides for recordation of the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed to being introduced). (Agreements as to acceptability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present

The fourth condition is a condition concerning the appearance of the expression α in the expression β .

It is desirable that the examiner who records the information on the Form or in an attachment to the Form, also check a box in the column of the Form indicating the approval that he has not prepared the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that this Interview Summary Form will not be normal. The consideration of the proper recording of the interview process includes, or is supplemented by, the applicant. The exam will include, at the applicant's discretion, the substance of the interview.

A complete and proper report of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature, if any, exhibit shown or demonstrated on the stand;
- 2) an identification of the claims discussed;
- 3) an identification of specific prior art discussed;
- 4) an identification of the principal proposed amendments of a substantive nature discussed, where these are at least described on the Interview Summary Form completed by the examiner;
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A brief identification of the arguments is required. The identification of the arguments is sufficient if the general nature or thrust of the proposed amendments and the arguments in support of the amendments are identified. Of course, the applicant may desire to supplement and fully describe the arguments in attached sheets, but this is not required on this summary form;
- 6) a general statement of any, and all, patent matters discussed;
- 7) if appropriate, the general nature of the outcome of the interview, such as the fact that the interview was successful, that the interview was not successful, or that the interview was successful with respect to certain issues but not with respect to other issues.

Exemptions are expected to apply to the following categories of applications. If the case is not completely exempt, the exemption will apply to the complete or partial application. The application is complete for the purpose of the application. (37 CFR 1.135)

1. *Staphylococcus aureus* (1000)

[illegible]